

number of gun safety proposals and the agreement reached, quote, "an unprecedented partnership between the government and the gun industry," end quote.

Partnership: now there is a very euphemistic term of what was accomplished. It obviously was high-handedness, to say the least. The Wall Street Journal ran an article on March 21 regarding this action by the administration. Here is a brief description of how the administration approached the CEO of Smith and Wesson, Ed Shultz. Quote, "In late January two young Clinton administration lawyers flew to Nashville, Tennessee, where they handed Mr. Shultz, the chief executive officer of Smith and Wesson, a list of gun control demands. Agree to this, the government attorneys said, and the legal assault on the Nation's largest handgun manufacturer would be called off."

Now, I am not sure exactly where this so-called partnership began, but such a story reeks of coercion. It reminds me of the old protection racket, pay up because you need my protection; otherwise, bad things can happen to you.

Mr. Speaker, this action taken by the administration is a serious threat to our form of government. Our President should not attempt to change public policy by threatening a company with bankruptcy by way of lawsuits. As such, I have introduced legislation disapproving the use of this heavy-handedness by the administration. This agreement establishes a terrible precedent, one that can have enormous ramifications on our society. Where will the administration turn next? HMOs, utilities, pharmaceutical companies, tobacco companies and maybe, liquor, beer and wine companies?

Mr. Speaker, there is a Washington Post editorial of April 2, Sunday, which I will make a part of the RECORD at this point.

[From the Washington Post, Apr. 2, 2000]

#### GOVERNMENT BY LAWSUIT . . .

For those who favor robust federal regulation of tobacco and strict controls on handguns, as we do, it is tempting to cheer any use of the courts to circumvent Congress' unwillingness to implement common-sense policy. Litigation has caused tobacco companies to improve the way they operate. A recent deal with gun maker Smith & Wesson, is, in substance, similarly in the public interest.

But the process is worrisome—prone to abuse. Filing lawsuits is generally speaking a bad way to make policy. The government has nearly unlimited resources; should it use them, in court, against law-abiding companies that it happens to dislike? Even a weak case can be used to bully those who lack the resources to fight to the end. So where is the line between legitimate governance and extortion?

The tobacco case falls on the legitimate side of the line. The government has at least put its name on a complaint. Attorney General Janet Reno is politically accountable

for that suit, which the industry is now asking the court to throw out. If she loses, Ms. Reno will have to answer for filing litigation the courts deemed frivolous. Moreover, the tobacco companies for decades misrepresented the state of their knowledge about the lethality of their products, engineered them to be addictive and marketed them to children. The government's argument that it has a cause of action under federal law remains untested, but it isn't laughable.

Against the gun makers, the government does not even claim to have its own cause of action. Rather it is organizing a suit by local authorities and then stepping into negotiations to push its policies as a basis for settlement. If this is a legitimate strategy, it's hard to see why an anti-abortion administration, say, could not encourage litigation against drug companies marketing abortion-inducing drugs and then demand that those drugs be withdrawn as a condition of settlement. Abortion foes might cheer then as gun foes do now.

Federal lawsuits can redress unjust readings of the law, as in the civil rights era. Novel legal theories surely have a place in government litigation. But this is not a broad license to use suits or the threat of suits to get around democratic policymaking. To do so undermines the legislative branch, demeans the judicial and poses threats to the liberty of those who obey the law but fall out of official favor.

This article goes on to say, quote, "The government has nearly unlimited resources. Should it use them in court against law-abiding companies that it happens to dislike? Even a weak case can be used to bully those who lack the resources to fight to the end. So where is the line between legitimate government and extortion," end quote?

Mr. Speaker, the administration's action was wrong, and it speaks directly to the point of my resolution. The Constitution, article 1, section 1, states that all legislative power herein granted shall be vested in the Congress of the United States. The framers of our constitution created this body to formulate public policy. What they did not intend was for the executive branch to circumvent Congress any time it disagrees with our actions.

Furthermore, we in Congress are elected to uphold the Constitution and represent the views of our constituents, most of whom believe we need to enforce the 20,000-plus gun laws that are on the books to reduce gun violence.

Now, the administration may use polling, but 800 or 1,000 people who are polled is hardly an indication of where Americans all stand on a particular issue.

It is well known that any question can be skewed towards getting a specific answer. The administration consistently presents Americans with a one-sided version with regard to gun violence in this country. Why do we not hear from the administration that it has failed to enforce the 20,000-plus gun laws that are already on the books?

In fact, Syracuse University did a study, and it shows that this enforce-

ment is down 44 percent since 1993. So, the President, and the media, by not reporting things accurately, have demonstrated to Americans the extraordinary ability to change facts and statistics and season them with emotional hype while at the same time neglecting the information that may give Americans an equal opportunity to make an informed decision on guns.

So I urge my colleagues to support my House resolution, which I intend to drop today. It basically says we cannot have government by lawsuit, and it talks about our country is a Republic while the government is the supreme power, it's power is vested in a its citizens who select and elect officers and representatives who govern them appropriately. We can not have the Government go out and use high-handed techniques to force corporations to comply with their wishes and omit the legislative process.

---

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

---

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 p.m.

---

#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God Almighty, to call You Eternal is to place You in every moment yet beyond time. Be attentive to our prayer.

We bless You and praise You for the time this weekend we have gathered with Your people of faith. In those moments we listened to Your Word, we thanked You with our brothers and sisters of faith for Your presence and guidance in our daily lives. We are grateful to You, O Lord, for the moments we had this weekend to spend with family and friends. These relationships ground us in love and sustain us in all that we do. Take care of those committed to our care by life or by constitution.

Time is a most precious commodity to us and to all in the human family. To the wealthy and successful, time is a priceless gift. Never enough. To those suffering, in pain or incarcerated, time is elongated and penetrating. On them, Lord, have mercy. Help the people of this assembly and of this Nation to seize the present moment and to fill our day with works of peace and justice.